

COOLEY LLP
 HEIDI L. KEEFE (178960)
 (hkeefe@cooley.com)
 REUBEN H. CHEN (228725)
 (rchen@cooley.com)
 DANIEL J. KNAUSS (267414)
 (dknauss@cooley.com)
 LAM K. NGUYEN (265285)
 (lnguyen@cooley.com)
 3175 Hanover Street
 Palo Alto, CA 94304-1130
 Telephone: (650) 843-5000
 Facsimile: (650) 849-7400

DUSTIN M. KNIGHT (*pro hac vice*)
 (dknight@cooley.com)
 11951 Freedom Drive, 16th Floor
 Reston, VA 20190
 Telephone: (703) 456-8000
 Facsimile: (703) 456-8100

Attorneys for Defendant and
 Counter-claimant
 COOLIT SYSTEMS, INC.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

ASETEK DANMARK A/S,
 Plaintiff and
 Counter-defendant,
 v.
 COOLIT SYSTEMS, INC.,
 Defendant and
 Counter-claimant.

Case No. 3:19-cv-00410-EMC

**DECLARATION OF REUBEN H. CHEN IN
 SUPPORT OF COOLIT SYSTEMS, INC.'S
 MOTION TO STRIKE ASETEK DANMARK
 A/S'S INVALIDITY CONTENTIONS
 AGAINST U.S. PATENT No. 8,746,330**

DATE:
 TIME: 1:30PM
 LOCATION: San Francisco Courthouse
 Courtroom 5 – 17th Floor
 450 Golden Gate Ave.
 San Francisco, CA 94102
 JUDGE: Hon. Edward M. Chen

1 I, Reuben Chen, do hereby declare as follows:

2 1. I am an attorney licensed to practice before this Court and all courts of the State of
3 California, and am a partner with Cooley LLP, counsel for Defendant and Counter-plaintiff CoolIT
4 Systems, Inc. ("CoolIT") in the above-entitled action. I submit this declaration in support of CoolIT's
5 Motion to Strike Asetek Danmark A/S ("Asetek")'s Invalidity Contentions Against U.S. Patent No.
6 8,746,330 ("the '330 patent"). The matters stated herein are based upon my personal knowledge, and
7 if called as a witness, I would testify as to the following statements.

8 IDENTIFICATION OF EXHIBITS

9 2. Attached hereto as **Exhibit 1** is a true and correct copy of Asetek's invalidity
10 contentions under Patent L.R. 3-3 against CoolIT's asserted patents served in this action.

11 3. Attached hereto as **Exhibit 2** is a true and correct copy of a claim chart attached to
12 Asetek's invalidity contentions comparing the asserted claims of the '330 Patent to U.S. Patent No.
13 5,998,240 to Hamilton et al. ("Hamilton").

14 4. Attached hereto as **Exhibit 3** is a true and correct copy of a claim chart attached to
15 Asetek's invalidity contentions comparing the asserted claims of the '330 Patent to U.S. Patent No.
16 7,259,965 to Chang et al. ("Chang").

17 5. Attached hereto as **Exhibit 4** is a true and correct copy of a claim chart attached to
18 Asetek's invalidity contentions comparing the asserted claims of the '330 Patent to U.S. Patent
19 Publication 2008/0301941 to Anderson et al. ("Anderson").

20 6. Attached hereto as **Exhibit 5** is a true and correct copy of Asetek's Petition for *Inter*
21 *Partes* Review ("IPR") of the '330 patent, filed on May 27, 2015 with the United States Patent Trial
22 and Appeal Board ("PTAB").

23 7. Attached hereto as **Exhibit 6** is a true and correct copy of the Declaration of Dr. Donald
24 E. Tilton, filed as Exhibit 1002 to Asetek's IPR Petition.

25 8. Attached hereto as **Exhibit 7** is a true and correct copy of the PTAB's Decision to
26 Institute Asetek's IPR2015-01276 on December 9, 2015.

27 9. Attached hereto as **Exhibit 8** is a true and correct copy of the PTAB's Final Written
28 Decision for IPR2015-01276, upholding the validity of the challenged '330 patent claims.

1 10. Attached hereto as **Exhibit 9** is a true and correct copy of U.S. Patent No. 5,998,240 to
2 Hamilton et al. (“Hamilton”).

3 11. Attached hereto as **Exhibit 10** is a true and correct copy of U.S. Patent No. 7,259,965
4 to Chang et al. (“Chang”).

5 12. Attached hereto as **Exhibit 11** is a true and correct copy of U.S. Patent Publication
6 2008/0301941 to Anderson et al. (“Anderson”).

7 13. Attached hereto as **Exhibit 12** is a true and correct copy of U.S. Patent Publication No.
8 2006/0096738, published May 11, 2006, to Kang et al. (“Kang”).

9 14. Attached hereto as **Exhibit 13** is a true and correct copy of U.S. Patent No. 5,099,311,
10 issued March 24, 1992, to Bonde et al. (“Bonde”).

11 15. Attached hereto as **Exhibit 14** is a true and correct copy of U.S. Patent No. 6,827,128,
12 issued December 7, 2004, to Philpott et al. (“Philpott”).

13 16. Attached hereto as **Exhibit 15** is a true and correct copy of U.S. Patent Publication No.
14 2007/0163750, published July 19, 2007, to Bhatti et al. (“Bhatti”).

15 17. Attached hereto as **Exhibit 16** is a true and correct copy of U.S. Patent No. 4,450,472,
16 issued May 22, 1984, to Tuckerman et al. (“Tuckerman”).

17 18. I declare under penalty of perjury under the laws of the United States that the foregoing
18 is true and correct to the best of my knowledge

19 EXECUTED at Palo Alto, California on this 17th day of October, 2019.

20
21 /s/ Reuben H. Chen
22 Reuben H. Chen
23 Attorneys for Defendant and Counter-plaintiff
24 COOLIT SYSTEMS, INC.
25
26
27
28